

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IRMA MARQUEZ,

-VS-

Index No. 08 CV 4903

(J. Robinson)

THE CITY OF YONKERS, ET. AL.,

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.

Undersigned deponent, being duly sworn deposes and says that said deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. Deponent served the within process as follows:

**PROCESS SERVED:** SUMMONS, JURY TRIAL DEMAND and COMPLAINT

**PARTY SERVED:** POLICE OFFICER TODD MENDELSON BADGE No. 335

**LOCATION OF SERVICE:** 53 Shonnard Place, 4<sup>th</sup> Pct. YPD  
Yonkers, NY 10703

**PARTY ACCEPTING SERVICE:** P. O. Centuori #205, desk officer  
**DATE OF SERVICE:** 6/16/08 **TIME OF SERVICE:** 1:04 p.m.

An approximate description of the person served with process listed herein:

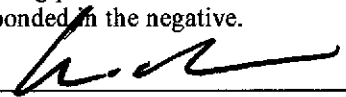
**SEX:** M **SKIN COLOR:** White **HAIR:** Black **AGE:** 38 **HEIGHT:** 5'10"  
**WEIGHT:** 175 **OTHER FEATURES:** Straight hair.

Deponent further states that the within process was served in the following manner:

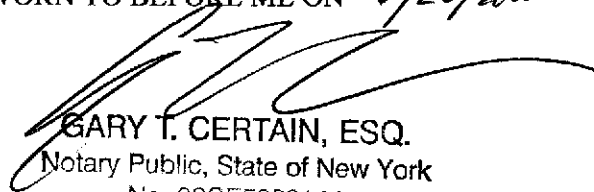
By delivering to and leaving with a person of suitable age and discretion a true copy of the within named process. Service was made at the address given above which is the usual place of business of the named party.

Service was completed when deponent deposited a copy of the process in an official depository of the US Postal Service, first class postage paid, in a properly addressed envelope bearing the legend 'PERSONAL & CONFIDENTIAL'. Said envelope was sent to the address listed herein and was mailed within twenty-four hours of service.

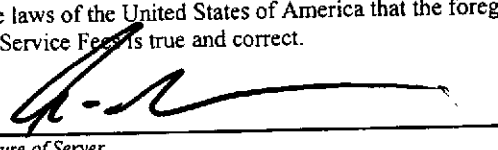

At the time of service, deponent asked the party accepting process if the defendant was in the military service of this state or nation or any other nation, and he responded in the negative.

  
ERIC AVERBACH  
NYC Lic. #918927

SWORN TO BEFORE ME ON 6/26/2008

  
GARY T. CERTAIN, ESQ.  
Notary Public, State of New York  
No. 02CE5088144  
Qualified in New York County  
Commission Expires 11/17/2008

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	6/16/08
NAME OF SERVER (PRINT) <b>Eric Averbach</b>	TITLE <b>Process Server</b>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input checked="" type="checkbox"/> Left copies thereof at the defendant's <del>dwelling house</del> <sup>Business</sup> or usual place of <del>abode</del> <sup>business</sup> with a person of suitable age and discretion <del>dwelling therein</del> . Name of person with whom the summons and complaint were left: <b>Police Officer Centuori</b>  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL <del>\$0.00</del> <b>\$40.00</b>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>6/26/08</u> Date</p> <p style="text-align: center;">             Signature of Server         </p> <p style="text-align: center;"> <u>2746 Rockefeller Center NY, NY</u>            Address of Server         </p> <div style="text-align: center; margin-top: 50px;">  </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

2008 JUN 26 AM 11:00

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AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of NEW YORK

SUMMONS IN A CIVIL ACTION

IRMA MARQUEZ

v

CASE NUMBER: 08 CV 4903

THE CITY OF YONKERS, CITY OF  
YONKERS POLICE DEPARTMENT,  
POLICE OFFICER WAYNE SYMOES,  
POLICE OFFICER STEPHEN WALLIN,  
POLICE OFFICER JOHN LIBERATORE,  
POLICE OFFICER TODD MENDELSON,  
DEPUTY CHIEF EDWARD GEISS,  
DETECTIVE JAMES J. McCABE, POLICE  
OFFICER RANCE HOWARD, POLICE  
OFFICER INTERVALLE, POLICE  
OFFICER ESTEVEZ,

JUDGE ROBINSON

TO: POLICE OFFICER TODD MENDELSON  
c/o CITY OF YONKERS POLICE DEPARTMENT  
104 SOUTH BROADWAY  
YONKERS, NEW YORK 10701

**YOU ARE HEREBY SUMMONED** and required to serve on Plaintiff's Counsel, Certain & Zilberg, PLLC 535 Fifth Avenue, New York, New York 10017.

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

MAY 28 2008

CLERK

DATE

*Catherine Lapsley*  
(By) DEPUTY CLERK